

Department of Human Services

Articles in Today's Clips

Monday, July 17, 2006

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MICHIGAN

Hundreds to be tapped for 2 jury pools in boy's death

Selection is to start on Sept. 11

July 17, 2006

BY JACK KRESNAK
FREE PRESS STAFF WRITER

LANSING -- The Ingham County Circuit Court will cast a wide net in hopes of finding 28 fair-minded citizens who can set aside their preconceived notions and be jurors in the widely publicized child murder trial of Tim and Lisa Holland.

Hundreds of residents will be tapped for two jury pools -- the Hollands will be tried together in September with separate juries. The trial could cost taxpayers an extra \$30,000, including courtroom modifications.

But preparing the courtroom may prove easier than finding enough citizens who can pledge to rely only on the evidence presented in court to decide the guilt or innocence of the couple charged in last summer's death of 7-year-old Ricky, their adopted son.

Frank Reynolds, a lawyer for Tim Holland, said he would like the trial to stay in Ingham County, but he doubts a fair jury can be found, given extensive news coverage.

"I think it's going to be very difficult for us to seat a jury here, I really do," Reynolds said last week. "We're going to give it a shot and see if we can actually select a jury."

If not, Reynolds said he would ask again for a change of venue. Ingham County Circuit Judge Paula Manderfield turned down defense lawyers' previous requests to move the trial.

Defense attorneys are worried about backlash.

Many people were angered by the Hollands' statements at the time of Ricky's disappearance last July and their claim that he had run away when they knew he was dead, his body hidden in a swamp 13 miles from the family's home near Williamston. The Hollands have blamed each other in Ricky's death, and Tim Holland later led police to the body.

Hundreds of people helped search fields and woods for Ricky. Some of those searchers could be among the 600 prospective jurors who will be summoned to the Ingham courthouse beginning Sept. 11..

Both Hollands are charged with felony-murder and first-degree child abuse and could face life in prison if convicted.

According to testimony at their preliminary examination, Tim Holland claims Lisa killed Ricky with a blow to the head from a small tack hammer. Lisa's account of how Ricky died is murkier, and Manderfield last week disallowed some of the statements she made to police.

A clear cause of death has not been established because Ricky's body was so decomposed. Prosecutors say there was evidence of trauma on the boy's skeleton.

Removable jury box to be built

To accommodate the second jury, workers are building a removable, two-level jury box, with 14 thickly padded seats, that is roughly the size of the existing jury box, Cheryl Fritze, the court's media coordinator for the trial, said last week.

The new box, costing \$3,800, will be on the right side of the audience section of the courtroom. Jurors in that panel will sit with their backs to the audience and may obstruct the view of others. Two video monitors will be installed on the backside of the jury box, so the proceedings can be seen via a televised feed.

The new jury box also will be fitted with four computer monitors, like the existing box, so jurors can view exhibits. The six new monitors will cost \$1,200. More money will be spent on wiring for a separate news media room and, possibly, an overflow room for the public.

The judiciary committee of the Ingham County Board of Commissioners approved spending up to \$30,000 for the trial.

The board's finance committee is to meet this week to vote on the request.

Prospective jurors to be called

A jury for Lisa Holland, 33, will be chosen first.

Under the court's plan, 150 prospective jurors are to arrive at 8 a.m. Sept. 11 and listen to an overview of the trial by the judge. Then they'll fill out questionnaires about their backgrounds and knowledge of the case before being sent home until the next morning.

At 1 p.m. Sept. 11, a second group of 150 prospective jurors will arrive and go through the same process, though they won't be called back to the courthouse until they are needed.

The judge, Ingham County Assistant Prosecutor Mike Ferency and defense lawyers Andrew Abood and Mike Nichols for Lisa Holland will review juror questionnaires to rule out people who may know somebody involved in the case or who express a strong opinion about the defendant's guilt or innocence.

Selection of Lisa Holland's jury is scheduled through Sept. 15, but may not be completed by then. Eventually, 14 jurors, including two alternates, will be picked.

Another 300 prospective jurors are to appear on Sept. 18 as the jury pool for Tim Holland and will go through the same screening.

Gender could play in selection

Jury selection is critical to both prosecution and defense.

"The biggest problem is going to be getting any jurors at all," Kenneth Pangborn, a jury consultant based in Florida, said Friday.

After being told details of the case, Pangborn said Lisa Holland's attorneys "probably want more women on the jury because they are more sympathetic, and the card I would play is the 'poor-and-abused wife.' You're going to get women generally to buy that."

For Tim Holland, defense attorneys probably want more male jurors.

"You'd love to find divorced men who have had their illusions about the female gender battered," Pangborn said.

Pangborn said, "the biggest nightmare the prosecutor has is contamination of the jury pool from all the media coverage."

"A simple rule for both the prosecution and defense is when you have a good, solid case, you save it for the courtroom. If your case sucks, take it to the media."

The trial is expected to last at least six weeks.

Rose's mom 'has given up -- lost everything

FLINT

THE FLINT JOURNAL FIRST EDITION

Saturday, July 15, 2006

By Ron Fonger

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FLINT - Michelle L. Bowen told her own parents she didn't suspect her daughter Rose's life was slipping away on the morning the child died from liver failure and neglect.

But with her other three children in foster care, her job at Chuck E Cheese's lost and money running out, the 31-year-old is almost too numb and frustrated to defend herself.

"She didn't in her wildest dreams think it was life threatening (but) I think she doesn't care what happens to her. She's given up - lost everything," said Richard Bowen, 58.

Michelle Bowen is in hiding, her parents said Friday from their small basement apartment on Flint's east side. She is trying to avoid media attention and get through the death of 5-year-old Rose Kelley, who police have said died at home June 3 in squalid conditions.

The little girl had been ill for days, police have said, but was not taken to a doctor.

But Richard Bowen and his ex-wife, Pat, said Rose's health seemed to be improving up until the time she died.

And the two said the condition of their daughter's home was a result of her poverty and the recent birth of a large litter of puppies in the N. Franklin Avenue home.

Police have described the rental house as filthy - infested with fleas and lice, strewn with garbage and dog feces.

Richard Bowen said his daughter found herself overwhelmed, working full time but not making enough to support a family of six and coping with her children's serious health problems.

"She made sure those kids got fed. It may not have been the greatest in the world ... but it was nutritious," he said.

Earlier this week, the Oakland County medical examiner ruled Rose Kelley was a victim of homicide, dying from liver disease that was compounded by neglect.

A petition to terminate the parental rights of Michelle Bowen and Jeffery C. Kelley already has been filed in Genesee County Probate Court.

Richard Bowen said his daughter's home needed work and said she and Kelley had recently taken a step in the right direction by ridding themselves of 10 puppies born to their two adult dogs.

"They were overwhelmed by the situation they were in," he said. "But I know Rose was well, well loved."

Neither Michelle Bowen, her fiance and Rose's father Jeffery Kelley, nor their families have said much about the couple since Rose's death.

Pat Bowen said her daughter, a graduate of Flint Northwestern High School, was about 12 years old when she and Richard divorced. They now live together, partly to help each other with medical problems.

Michelle Bowen "just wanted to be a mom," Pat Bowen said. She was quiet, sharing few of her dreams with the parents.

She played in a church softball league and enjoyed learning Spanish, her mother said.

Jeffery Kelley did not work and has physical problems that may have limited his ability to keep his rental home clean, the Bowens said.

"He may not have been a great father as far as taking care of house," Richard Bowen said, "but they loved the kids. They had their shortcomings but they did the best they could."

The Bowens said they talk to their daughter daily and described her as emotionally drained and suffering from the stress of having little money, no job and continuing questions about the death of her daughter.

Michelle Bowen and Jeffery Kelley came in contact with state Department of Human Services social workers after Rose's half-sister developed chronic problems with lice, according to the Bowens.

Even finding enough money to buy special shampoo to treat the hair of four children and two adults was a challenge they sometimes could not meet, they said.

"It was a losing battle," Pat Bowen said. "Most of the homes she's lived in - they've all been slums."

She said she encourages her daughter to keep her spirits up and hopes she can regain custody of her three remaining children.

"Any punishment they could dole out now would be secondary to what she's already suffered," she said.

"That child died in her arms. She called 911 and then they hammered her (while she was) shaking and in shock the whole time," Pat Bowen said. "She answered their questions (because) she felt like she had done nothing wrong."

Police have said Bowen told them she feared her children would be taken from her if a doctor saw Rose's condition, which included severe head lice and possible malnourishment.

Genesee County Prosecutor David Leyton has said his office will review all reports in the Rose Kelley case before deciding on criminal charges.

The case has attracted statewide attention because of previous contact between the family and DHS caseworkers. The Office of Children's Ombudsman is investigating how the agency handled its responsibility for protecting the four children living in the home.

DHS has refused to release documents detailing its past contact with the family in response to a written Freedom of Information Act request from The Flint Journal.

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[From the Lansing State Journal]

Police: Boy, 14, kept in chains

Aunt, husband charged with child abuse

Associated Press

BENTON TOWNSHIP - A 14-year-old special education student told authorities that he escaped from a Berrien County apartment where he was living with an aunt who kept him chained.

But his aunt denies the claims, saying the boy made up the story because he doesn't like her husband.

The boy told police he was chained and not fed for several days, and police said the boy's 1-year-old cousin also was mistreated. Benton Harbor police Detective Sgt. Dan McGinnis said there could be more charges.

"We're still investigating," McGinnis said.

Yekia Naygina Willis, 31, and her husband, Damion Leon Williams, 26, were arrested Tuesday after the boy ran to a neighbor. They were arraigned Thursday in Berrien County Trial Court and are free on bond.

Willis is charged with two counts of second-degree child abuse, while Williams is charged with one count of second-degree child abuse.

Willis said she and her husband plan to hire a lawyer Monday to help fight the charges.

"These are false allegations," she said Saturday.

The neighbor called police after noticing injuries to the boy's wrist and chest, The Herald-Palladium of St. Joseph reported. The children were taken to a hospital and later put in protective custody.

Witness says he was exploited for sex on Web

Saturday, July 15, 2006

BY ART AISNER

News Staff Reporter

Justin Berry's odyssey - from Internet sex object to pornography producer to poster boy for underage victims of online sexual exploitation - began outside Michigan.

But a few visits to Ann Arbor and his relationship with a former resident played key roles in his whirlwind journey, which included child molestation, heavy drug abuse, untold illegal business profits and becoming a government witness, according to court testimony Friday.

Berry, a California native, gained national attention this spring by testifying before Congress about sexual exploitation of minors on the Internet. He made subsequent appearances on "Larry King Live" and the "Oprah Winfrey Show" to discuss his experiences.

Berry spent the better part of five hours Friday testifying in 14-A District Court about how Ken Gourlay molested him and enabled Gourlay to run a successful for-pay Web site on which Berry performed various sex acts.

Gourlay is charged with one count of third-degree criminal sexual conduct, a 15-year felony, and nine other charges, including two counts each of enticing a child to engage in sexually abusive activity and using a computer to engage in child sexually abusive activity - all 20-year felonies.

Chief District Judge Cedric Simpson ended Gourlay's preliminary hearing Friday just before 7 p.m. and allowed attorneys more time to submit written briefs arguing whether the case should proceed. He wanted detailed arguments that examine federal standards that apply to Internet programming and Web site hosting, and said he will issue a ruling whether to send the case to circuit court for trial on Aug. 1.

Referring to Gourlay by both first and last name, Berry, the state's key witness, repeatedly mentioned how the 29-year-old computer consultant and University of Michigan graduate befriended him, expanded his pornography-based Internet business from which Gourlay also profited and breached his trust.

Their relationship started when Berry, then 13, first used a Web cam to distribute images of himself on the Internet. Gourlay was among many older men who responded to photos and through his Ann Arbor-based company, Chain Communications Inc., registered domain names and hosted Web sites that Berry used to sell sexual material depicting himself and later others, Berry said.

Berry testified that Gourlay set up Web site memberships that resulted in large profits that Berry avoided paying taxes on and later spent on lavish items, trips and cocaine.

Frequently closing his eyes during dramatic pauses on the witness stand, Berry explained how Gourlay encouraged him to participate in a summer computer camp on the U-M campus in 2002 and took him to Gourlay's apartment, where they engaged in oral sex. Berry testified that sometime that year, under the guise of a business trip designed to fool Berry's mother, Gourlay drove him to Virginia to have sex with a girl who was either 12 or 13.

Berry often looked directly at Gourlay while testifying with visible contempt and "anger in his eyes," as Simpson put it, during a courtroom discussion about Berry's mental state.

He became most agitated while describing how Gourlay tried to convince Berry he was homosexual. He also said he told Gourlay he loved him because Gourlay persuaded him to believe it.

"He said I was gay and said just try it," he said while beginning to sob. "It confused me . . . it messed me up so bad, so bad that to this day I have problems."

For most of Berry's testimony, Gourlay sat quietly looking at papers on the defense table that concealed his shackled hands.

Friday's hearing was delayed for more than two hours as attorneys argued whether portions of the testimony should be open to the public. Special Assistant Attorney General Douglas Baker argued that Berry, recently hospitalized for a mental breakdown, is in a delicate psychological state and undergoing treatment with anti-anxiety and mood-stabilizing medications.

James Howarth, Gourlay's attorney, used that to challenge Berry's credibility. He also argued an immunity deal brokered with federal authorities before Berry's congressional testimony casts doubt on Berry's credibility. The deal prohibits prosecution of Berry for money laundering and enticing minors to engage in sexual activity in exchange for his cooperation with authorities.

During an objection-laden cross examination, Howarth also prodded Berry to admit he started stripping and masturbating for money over the Internet long before he knew Gourlay.

Edward Mulak, Gourlay's former roommate and lover, also testified Friday that Gourlay and Berry encouraged him to create his own masturbation video for money. Mulak pleaded guilty to computer-related child pornography charges stemming from the case last month and was granted probation in exchange for his testimony.

Gourlay, whose last residence was Detroit, remains in custody on \$500,000 cash bond.

Judge scolds man for sexual abuse

Saturday, July 15, 2006

By John Tunison
The Grand Rapids Press

ALLEGAN -- Disgusted with a man police say sexually abused several children repeatedly in his home, an Allegan County judge did not mince words when sending him to prison Friday.

"When it comes right down to it, you're one sick puppy," Judge Harry Beach sternly told Ronald Rupert, 56.

"The sad thing is what you did to those kids," he said. "They will never, ever get over it. These kids are going to spend much of their lives trying to figure out what is wrong with them."

Rupert was sentenced to 23 to 50 years in prison on three counts of first-degree criminal sexual conduct.

He said nothing when the judge gave him an opportunity to speak.

Allegan County sheriff's investigators said Rupert was involved in one of the worst cases of sexual and physical abuse ever discovered in West Michigan. Police found 20,000 images of child pornography in the Valley Township home occupied by two families with seven children, all younger than 10.

Rupert and his son, James Rupert, 26, along with the great-grandfather in the other family, Isaac Kelly, 73, initially were charged in the case. Recently, prosecutors filed charges of accessory to a felony and child abuse against James Rupert's wife, Melissa, 26.

James Rupert is awaiting trial on multiple counts of sexual assault. Kelly is to be sentenced Friday after pleading guilty to possessing child sexually abusive material in a deal that calls for prosecutors to dismiss charges of using a computer to commit a crime and child abusive commercial activity.

James and Melissa Rupert, as well as the two parents in the other family, have relinquished their parental rights to the children. The Ruperts have four children, ages 8, 7, 4 and 3, while the other couple has a 1-year-old child together and the woman has two other children, ages 8 and 6, by two fathers.

Police said Ronald Rupert, already convicted of sexually assaulting a child in 1993, slept in the same bed with his grandchildren and forced them to perform sex acts. Investigators

documented some physical abuse, including hand marks on the backside of a girl, and said family members locked some of the children in a dark basement to punish them.

The mother of one of the abused children, whose 9-year-old daughter stayed at the home on weekends for visitation and is the granddaughter of Ronald Rupert, asked the judge for a long prison term.

"We will never know the persons these children would have turned out to be because those persons are destroyed," she told Beach, adding she was abused by her stepfather as a child.

"I was terrified he was going to come after me," she said. "These children should not have to worry about (Ron Rupert) ever hurting them again."

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Hearing on sex charge waived

Jackson Citizen Patriot

Saturday, July 15, 2006

A Jackson attorney waived his preliminary hearing Friday on a charge of fourth-degree criminal sexual conduct involving a 12-year-old girl.

James R. Knapp, owner of A Bankruptcy Clinic, will be arraigned by Circuit Judge Chad Schmucker on Aug. 8.

The alleged victim's mother told Jackson County sheriff's investigators Knapp, of Jonesville, committed a sexual assault on her daughter.

Prosecutors and investigators have declined to discuss details of the investigation.

Knapp turned himself in to the court last week.

District Judge Charles Falahee Jr. set a \$5,000 personal bond.

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Killer, convicted at age 11, headed for halfway house

Associated Press

BAY CITY - The release to a halfway house of a 20-year-old man who was 11 when he killed a man with a rifle shot is a test of the Michigan legal system's handling of juveniles who commit serious crimes, his lawyer and a prosecutor say.

Nathaniel Abraham was convicted of second-degree murder in the 1997 shooting death of Ronnie Lee Greene, 18, outside a convenience store in Pontiac. Though convicted as an adult, he was sentenced as a juvenile and will be freed from all state supervision when he turns 21 on Jan. 19, 2007.

He was scheduled to move into a Bay City halfway house Friday. But the state Department of Human Services, prosecutors and Abraham's lawyer said Friday they couldn't confirm Abraham's status.

Abraham spent years at W.J. Maxey Training School near Whitmore Lake. Since May, he had been at the state Department of Human Services' Nokomis Challenge Center, a medium-security camp near Prudenville.

"I don't want people to panic," said Oakland County assistant prosecutor Deborah Carley, who earlier objected to plans for Abraham's release. "I want them to believe that the system has worked."

Abraham lawyer Daniel Bagdade said no one knows yet whether Abraham will be a responsible, law-abiding adult.

"He's a test case," Bagdade told the Detroit Free Press. "There's nobody that we can compare Nate to. I think we have to put our faith in the system. This is part of the juvenile justice system, and I think it's going to work."

The case sparked debate on the treatment of juveniles accused of violent crimes.

He was the first young person charged with first-degree murder to be prosecuted under a 1997 allowing adult prosecutions of children in serious felony cases.

Voters weigh tough issues on juvenile home plan

Sunday, July 16, 2006

By Cedric Ricks

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Does Kalamazoo County need a new juvenile home, would it make a difference in the community and can taxpayers afford it?

Those are the questions voters will have to answer in less than a month.

Gail Aitken says she's convinced troubled youths can be turned around and that a new juvenile home is a must for Kalamazoo County.

"It takes a community to raise a child," the 47-year-old Vicksburg resident said.

Aitken plans to vote in support of a \$28.3 million proposal for a new Kalamazoo County Juvenile Home that goes before voters Aug. 8.

Lester Hughes doesn't.

Hughes questions how much a juvenile home can help rehabilitate youths who run afoul of the law. "If it did, you wouldn't get the repeat offenders," said the 53-year-old custodian from Kalamazoo.

A request for \$91.5 million last August to build a new juvenile home and expand the county jail was soundly defeated by voters. It would have raised property taxes by nearly 0.5 of a mill a year.

So far, no organized opposition has surfaced to the ballot proposal. The Kalamazoo County Taxpayers Association, a frequent opponent of tax requests that campaigned against last year's proposal, has opted not to take a position this time.

Kalamazoo County voters will decide next month whether to raise property taxes by 0.2654 of a mill in 2007 and an estimated 0.1728 of a mill, on average, for up to 25 years to fund a new juvenile home.

For the owner of an average home in Kalamazoo County, with a market value of \$138,310 with a taxable value of \$56,991, the tax increase would be about \$15 in 2007.

"Fifteen dollars isn't a lot on the house," Aitken said. "My taxes are already up anyway. It wouldn't make that much of a difference."

Hughes said it would take a change in how the juvenile home approaches troubled youths before he would back a tax hike to replace it.

If approved, the new juvenile home and a parking structure would be built adjacent to the current home at 1424 Gull Road and could open in early 2008, officials say. Three nearby parcels would be purchased for recreational space.

Superintendent Frank Weichlein said program changes would occur if a facility is built.

The current juvenile home, built in 1936 as an orphanage and expanded in 1966, has 40 detention beds used to house youths ages 11 to 17. The new home would have 64 beds, including 16 for long-term treatment programs and eight for intake and assessment of youths brought to the facility.

Youths could be separated based on need and background, compared to existing conditions that allow emotionally disturbed teens, sex offenders, victims of sex offenses and youths of various ages to interact freely, Weichlein said.

“Right now, I have kids of all different needs and all different problems on the same units,” he said.

“This is an old, antiquated structure, out of date, and in need of repair,” he said. “The detention unit in particular is just not a modern design, regarding safety and security.”

Last year, the juvenile home served 425 youths and recorded 1,048 admissions; some youths were admitted more than once.

Weichlein said youths in need of long-term treatment to change behaviors and attitudes have to be sent to other residential facilities, mainly out of state, because the current juvenile home lacks the space and programming.

He contends youths can be served more “effectively and efficiently” in Kalamazoo because their families can play a larger part in their treatment. They also can be eased back into the community as their behaviors improve, he said.

The juvenile home will add 14 new positions if residential treatment beds are added, because money spent on out-of-county treatment can be used by the juvenile home for staffing, Weichlein said. Costs for residential treatment outside of Kalamazoo County can range from \$150 to \$350 per day, according to county officials.

A new juvenile home would not only allow for improved programming, it would also bring modern equipment and adequate classrooms into the two schools that operate there, Weichlein said.

Juvenile home ballot issue

The Kalamazoo Gazette

Sunday, July 16, 2006

What: A \$28.3 million bond proposal and property-tax increase to fund a new Kalamazoo County Juvenile Home.

When: Aug. 8 primary election.

Who: Kalamazoo County voters.

Cost: Estimated \$15 tax increase in 2007 for owner of an average home. (The average home in Kalamazoo is priced at \$138,310 and has a taxable value of \$56,991). Property-tax levy estimated at 0.2654 mill in 2007 and 0.1728 of a mill, on average, for up to 25 years to retire the debt. (One mill generates \$1 in tax for every \$1,000 of a property's taxable value; taxable value is typically 50 percent or less of a property's market value).

Project: Build a new juvenile home and parking structure adjacent to the current Kalamazoo County Juvenile Home at 1424 Gull Road, Kalamazoo. Capacity would increase to 64 beds from 40 currently, including 16 new beds for long-term treatment of youths and eight beds for intake and assessment. Purchase two nearby parcels for recreational space. Early 2008 opening possible.

Quoting: "The building needs a lot of repairs. It is old and falling apart." -- Superintendent Frank Weichlein, on the current juvenile home, built in 1936.

Harvest House hopes to reopen in smaller facility

FLINT

THE FLINT JOURNAL FIRST EDITION

Monday, July 17, 2006

By George Jaksa

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FLINT - For 27 years, a downtown shelter provided a temporary refuge for abused women and children.

But financial woes caught up to Harvest House Shelter Inc., forcing it to close last November.

Shelter supporters now hope to start over if they can sell their building at N. Grand Traverse and W. Kearsley Street.

"We want to sell the property. We're not dissolving the corporation and hope to open in a smaller facility," said David Randall, acting president of Harvest House and the Realtor who has listed the two-story building for sale at \$199,900.

Randall, who also operates a home-improvement company in Flint, said he has received two contacts since the building was listed three weeks ago and was scheduled to show it to a third party Friday.

He said the building is ready for immediate occupancy with 15 bedrooms, a manager's quarters, office, sanctuary, commercial kitchen and a recreational hall.

Harvest House opened in 1988 in the former Rescue Mission Building, 101 N. Grand Traverse Ave. It was operated by an independent board but relied heavily on contributions from individuals and churches for funding.

Clarissa Wiggins, administrative director, previously said financial support dropped dramatically after the Sept. 11, 2001, terrorist attacks.

Harvest House continued to struggle and suspended operations periodically before finally closing.

Wiggins could not be reached for comment.

The Rescue Mission opened in 1950. It later became known as Carriage Town, moving to its current location in a former funeral home at 605 Garland Ave. in 1988.

Harvest House's closing leaves Carriage Town Ministries and Shelter of Flint as primary facilities to care for women and children. Carriage Town can accommodate 25 women and 10 children. Shelter of Flint has space for 40 family members, including men, at 1917 Delaware Ave.

Both provide 30-day housing.

He's wary about abused women

Dear Harriette: I read your column about the abused woman on her own again. If any man meets a woman who was involved in an abusive relationship — say, someone who had to take out an order of protection — that man should drop her immediately, run away and never look back. While that may sound cruel, it has been my experience that these women are sick souls



HARRIETTE COLE

who thrive on drama. No man should waste his time trying to demonstrate what a good guy he is. Treating her nicely may be appreciated at first, but

later, it will be resented.

Why? I do not know. Low self-esteem, maybe. These women feel they should not be treated well. A man who treats her well will be viewed as predictable, boring and too normal. Don't be surprised if that same woman begins to treat the man badly because he is not in charge enough. Whatever the reason, men should stay away from these women. —

Alex, Bronx, N.Y.

Dear Alex: Sounds like you've been hurt by a woman with an abusive past.

Though I don't believe it's necessary for men to automatically run in the other direction, I do recommend to any woman who has suffered abuse to seek counseling. Mental-health support is essential for healing. That goes for men, too!

Drug plans reveal holes

Medicare users beware

July 17, 2006

BY KATIE MERX
FREE PRESS BUSINESS WRITER

At least 3 million Americans who enrolled in a Medicare prescription drug plan this year can expect to see their benefits vanish when their drug costs hit \$2,250.

Don't be caught off-guard.

It's not too late to avoid the frustration of falling into the Medicare coverage gap known as the doughnut hole. Once in the hole, seniors must pay 100% of a drug's retail price instead of copayments that range from \$5 for generic drugs to \$30 for a brand-name prescription.

Counselors who work with the nation's senior and disabled citizens anticipate confusion and anger as more Americans see their pharmacy costs climb even as they continue to pay their monthly premiums.

To reduce the angst involved in dealing with higher out-of-pocket costs, Medicare Administrator Mark McClellan said consumers can use low-cost generics so that it takes longer to get to the doughnut hole.

Enrollees could put aside money before they reach the gap to help cover higher costs. The average enrollee is expected to hit the hole in September or October. But some people who have particularly high drug costs, such as Bloomfield Township resident Ardemis Kalousdian, have fallen in already.

Kalousdian, 89, surpassed \$2,250 in drug costs last month. Under her plan, she'll have to pay \$2,948 before her Medicare drug plan covers her costs again.

But she's lucky, she said. She did her homework before she signed up for a plan.

Kalousdian spent about \$5,500 on medicines last year. She's taking even more this year: Her daily dosage includes more than a dozen medications. And prices have gone up.

Last month, while her drug plan was still footing some of the bills, Kalousdian believes she spent about \$280 on copays. That's less than last year's average monthly bill of \$460. Now that she has fallen into the hole, Kalousdian knows her costs will go up, but she has a plan.

Instead of going to the pharmacy once a month to fill all of her prescriptions, she's staggering her visits to spread her costs out over time. Despite the doughnut hole, she believes her prescription plan will save her money.

Kalousdian is confident she'll emerge from the other side of the hole and reap the catastrophic-coverage benefits. Catastrophic coverage will kick in after she has used \$5,100 in drugs, including \$3,600 of her own money. At that point, her drug plan will pick up 95% of her drug costs and she can expect to pay \$2 a month for each generic prescription and \$5 a month for brand-name drugs.

For those who can expect to come out of the hole and get catastrophic coverage, it's important to remember to use a plan-approved pharmacy and show your drug-plan card *every* time you fill a prescription, said Carrie Nicholson, Medicare-Medicaid assistance program coordinator at the Area Agency on Aging in Southfield. Only under those conditions will the money enrollees spend during the coverage gap count toward meeting the catastrophic-coverage limit.

Additionally, beneficiaries still may receive lower prices for their drugs than they would without the card because most insurance plans negotiate discounts for their members. For enrollees who spend at least \$2,250 on drugs but don't expect to use \$5,100 worth, the situation becomes more complicated, Nicholson said.

Those people may want to consider going to the least expensive drugstore, regardless of whether it's in the plan's network. Some people might want to shop to see whether their medicines are available for less in Canada. Neither type of purchase would contribute to the out-of-pocket spending necessary to emerge from the hole.

Theresa Kidd, program specialist at the Michigan Medicare Medicaid Assistance Program, said people who got advice before they chose a plan should know about the doughnut hole.

Still, many of them are not happy about it, Kidd said.

Sister Mary Ellen Howard, director of the Cabrini Clinic in Detroit, said she doesn't believe most beneficiaries understood the Medicare drug benefit when it took effect this year.

"I keep waiting for a senior uprising when they hit the doughnut hole," Howard said.

Contact KATIE MERX at 313-222-8762 or kmerx@freepress.com. USA Today contributed to this report.

IF YOU'RE IN THE DOUGHNUT HOLE

- Option 1

Make sure you show the pharmacy clerk your drug plan card every time you fill a prescription.

Even though you'll pay the whole cost of your prescriptions, this will ensure you get credit for the money you spend and will make negotiated discounts available to you.

- Who might benefit from this strategy? Those who believe they will use more than \$5,100 worth of medicine this year and those who don't want to shop around.

Option 2

Seek free samples from your doctor or shop around to see whether you can purchase your medications for less from a pharmacy that's not in your plan or from a Canadian pharmacy.

- Who might benefit from this strategy? Those who use more than \$2,250 worth of drugs, but expect to use less than \$5,100 worth.

Option 3

Explore whether you qualify for any pharmaceutical company help programs. Call 888-477-2669, or visit www.pparx.org.

- Who might benefit? Anyone who qualifies.

For help, call your Medicare drug plan, Medicare at 800-633-4227 or call the Michigan Medicare Medicaid Assistance Program at 800-803-7174.

THE COVERAGE GAP

- In a standard Medicare drug plan, beneficiaries pay monthly premiums. The average is \$23.

They must pay the whole cost of the initial \$250 worth of drugs they use. Then, the drug plan pays 75% of their drug costs from \$251 up to \$2,250.

That's when seniors hit the coverage gap known as the doughnut hole and must pay 100% of their drug costs until they've used \$5,100 worth.

If an enrollee uses \$5,100 worth of drugs before the year is up, she will have made it out of the doughnut hole and catastrophic plan coverage kicks in.

At that point, the drug plan pays 95% of drug costs and the senior pays 5%, or \$2 copays, for generic drugs and \$5 copays for brand-name drugs

Bush Administration Plans Medicare Changes

By ROBERT PEAR
The New York Times

Published: July 17, 2006

WASHINGTON, July 16 — The Bush administration says it plans sweeping changes in Medicare payments to hospitals that could cut payments by 20 percent to 30 percent for many complex treatments and new technologies.

The changes, the biggest since the current payment system was adopted in 1983, are meant to improve the accuracy of payment rates. But doctors, hospitals and patient groups say the effects could be devastating.

Federal officials said that biases and distortions in the current system had created financial incentives for hospitals to treat certain patients, on whom they could make money, and to avoid others, who were less profitable.

Michael O. Leavitt, the secretary of health and human services, said the new system would be more accurate because payments would be based on hospital costs, rather than on charges, and would be adjusted to reflect the severity of a patient's illness. A hospital now receives the same amount for a patient with a particular condition, like pneumonia, regardless of whether the illness is mild or severe.

Medicare pays more than \$125 billion a year to nearly 5,000 hospitals. The new plan is not expected to save money, but will shift around billions of dollars, creating clear winners and losers. The effects will ripple through the health care system because many private insurers and state Medicaid programs follow Medicare's example.

Dr. Alan D. Guerci, president of St. Francis Hospital in Roslyn, N.Y., said the new formula would cut Medicare payments to his hospital by \$21 million, or 12 percent. "It will significantly reduce payments for cardiac care and will force many hospitals to reduce the number of cardiac procedures they perform," Dr. Guerci said.

A coalition of patient organizations, including the Parkinson's Action Network and the Society for Women's Health Research, told the government in a letter that the new

system “could have a devastating impact on payment for critical treatments for seriously ill patients, with reimbursement for some essential procedures cut as much as 30 percent.”

The basic payment for surgery to open clogged arteries, by inserting a drug-coated wire mesh stent, would be cut by 33 percent, to \$7,590. The payment for implanting a defibrillator, like the one used by Vice President Dick Cheney, would be cut 23 percent, to \$22,000, while the payment for hip and knee replacements would be reduced 10 percent, to \$14,500.

“This is a bit of a catastrophe,” said Dr. Herbert Pardes, president of New York-Presbyterian Hospital. In its zeal to cut the profits of doctor-owned specialty hospitals, including cardiac hospitals, Dr. Pardes said, the government has inadvertently hit many nonprofit academic medical centers.

Drug and device makers have been lobbying Congress and the Bush administration to delay the changes to allow further analysis. Device makers are scheduled to meet with top White House officials this week. More than 200 members of Congress have signed letters supporting a one-year delay.

Peter L. Ashkenaz, a spokesman for the Medicare agency, said officials had received the letters but could not comment because they were working on a final regulation, to be issued in a few weeks.

Hospitals and members of Congress are also complaining about the role of a government contractor that helped develop the new payment system and now stands to profit from it.

The new system is based on a commercial product developed by 3M Health Information Systems, a unit of 3M, the Minnesota-based technology company. In July 2005, the Bush administration awarded a “sole source contract” to 3M, to analyze whether it was feasible for Medicare to use a payment system modeled on the 3M product. The company said yes.

Influential members of Congress, including Senator Charles E. Grassley, Republican of Iowa, the chairman of the Finance Committee, have objected to Medicare’s reliance on a proprietary system controlled by a single company.

A competing company, Ingenix, said, "The contract was awarded to 3M without the solicitation of competitive bids." Moreover, Richard H. Anderson, chief executive of Ingenix, a unit of UnitedHealth Group, said that 3M had a conflict of interest because it was evaluating its own proprietary software as the basis for a new Medicare payment system.

The software analyzes the characteristics of each patient and assigns the case to a "diagnosis related group," which in turn determines how much the hospital will be paid.

In recent weeks, 3M has sent out marketing materials that urge hospitals to buy 3M software and use 3M experts to help them "make a successful transition" to the new Medicare payment system.

Richard F. Averill, research director of 3M Health Information Systems, said the sole-source contract was justified and denied that his company had a conflict of interest. As an inventor of the 1983 payment system, Mr. Averill said, he and his colleagues at 3M know more about it than their competitors.

Moreover, Mr. Averill said in an interview: "The contract required us to use the 3M system in our analysis. There was no evaluation of alternatives."

The goal of the new payment system is to pay hospitals more accurately for the cost of care. But Jayson S. Slotnik, director of Medicare policy at the Biotechnology Industry Organization, a trade group, said that payments would, in many cases, be less accurate because the government had relied on old hospital cost reports and claims data that did not reflect the use of new technology.

Without a delay, Mr. Slotnik said, hospitals can expect to see a 35 percent reduction in Medicare payments for stroke patients treated with clot-busting drugs. The basic payment for such cases is now \$11,578.

It is no surprise that the Greater New York Hospital Association, which represents many teaching hospitals in a high-cost area, objects to the new system. But hospitals in North Dakota are also concerned.

Arnold R. Thomas, president of the North Dakota Healthcare Association, said the new system would cause “radical shifts” of money among the state’s 52 hospitals. “The effects would be rather random and inequitable,” Mr. Arnold said.

When hospitals lose Medicare revenue, they often seek higher reimbursement from private insurers. J. Brian Munroe, vice president of WellPoint, one of the largest private plans, said he feared that the Medicare changes “will introduce a significant amount of disruption to the commercial health insurance marketplace, driving up health care costs and causing marketplace confusion.”

The flaws in Part D

Jackson Citizen Patriot

Monday, July 17, 2006

A new investigation by federal monitors provides fresh evidence of the fundamental flaw in the Medicare Part D prescription-drug plan. The new benefit is so complex that insurers often provide inaccurate information about the drug plans for seniors. This reflects poorly on the insurers, but it also raises questions about the program's basic design.

The premise of Part D was that competition among private drug plans would drive down the cost of prescriptions. For competition to work, however, seniors must be able to accurately compare plan costs. If drug plans are so complex that they defy accurate description, how can seniors choose the best plan for their needs and, thus, drive down costs? They can't.

The Government Accountability Office made "mystery shopper" calls to 10 of the largest insurers offering Part D plans. The call centers generally offered courteous service and helpful information, but they provided accurate and complete answers for only one in three calls. Few customer-service reps could accurately

Such misinformation can be devastating when it can cost a senior hundreds or thousands of dollars. A May GAO report on the performance of Medicare's call center (1-800-MEDICARE) also was troubling. Overall, Medicare reps answered questions accurately in two out of three calls. But when asked to identify the lowest-cost plan, Medicare was wrong nearly 60 percent of the time.

Part D has been plagued with problems from the start, many stemming from its complexity. It's true that many seniors save money with Part D, but millions of others are worse off. Taxpayers could pay nearly \$800 billion for this benefit in the plan's first 10 years. Congress has to do better.

--The Miami Herald

Woman denies adult foster care violations

Saturday, July 15, 2006

By Nate Reens
The Grand Rapids Press

CEDAR SPRINGS -- State officials are trying to revoke the adult foster care license of a Cedar Springs woman after investigators allegedly found 17 violations during two recent inspections.

Licensing consultant Arlene Smith's inspection reports claim Sharon Bishop, who has been licensed to care for up to six elderly and mentally ill residents since 1985, has illnesses that limit her movement and conditions that "would affect the ability of the Licensee to work with or around dependent adults."

Bishop, who cares for four people in her home, also allegedly intimidates the residents she is supposed to care for, requires them to perform household tasks they aren't capable of and fails to keep the home clean and safe, Smith said.

Bishop denies the allegations and plans to contest the revocation action. She has filed a rebuttal against the claims, which she calls "gross exaggerations" and may hire a lawyer.

"I've got some broad shoulders, but all this I really don't understand," Bishop said. "In my 21 years doing this, I've never been through anything like what this lady says I'm doing.

"I've had all kinds of people come through here and tell me what a good job I do and the people that work for me do."

Bishop acknowledges she has some health difficulties, but says she has employees to help her. The complaints that spurred the state's investigations come from former workers, she says.

Bishop's license was last renewed by the state in 2004.

Send e-mail to the author: nreens@grpress.com

Salvation Army to open soup kitchen on Monday Lunch will be served twice a week; donations still needed

Sunday, July 16, 2006

By CRYSTAL HARMON
BAY CITY TIMES WRITER

Whoever said there's no such thing as a free lunch never met Capt. Mike Myers.

That's exactly what Myers plans to offer, starting Monday, in the basement of The Salvation Army Church at 401 Tenth St.

Monday's menu includes ham sandwiches, vegetables, soup, chips and drinks, which will be served from 11 a.m. until 12:30 p.m. He's raised \$5,000 for the project, and has a freezer full of vittles to get the "soup kitchen" off the ground. Another church donated dishes, and the kitchen recently passed a health inspection.

"Bay County people do care," Myers said. "They want to do what they can to help our fellow man."

The Salvation Army leader had hoped to raise \$10,000, but despite falling short, he's determined to get started. For now, the meals will be offered only on Mondays and Wednesdays, but he hopes by the fall to begin serving meals five days a week.

The capacity is 50 people, and Myers doesn't know how many people to expect. But he does know there is a need, and that some people in Bay County are going hungry.

"Right now, when the food bank makes a delivery, I set out loaves of bread and bags of apples, and by the following day, they're always gone," he said.

Myers notes that several area churches provide weekly free evening meals, but that a need for an early meal remains.

"No one's addressing the hunger during the day," he said. "Besides a cold meal in the summer and a hot meal in the winter, people will have a place where they can get off their feet for a bit and have somebody to talk to."

Myers expects a mixture of homeless people, working poor, and families living paycheck-to-paycheck. He points to a recent survey by America's Second Harvest Network that shows that 25.4 million Americans used hunger-relief services in 2005, and that 36 percent of those people had at least one employed person in their household.

While Myers said the donations toward the soup kitchen project have been a blessing, they still need more.

"We could always use meat and vegetables," Myers said. "Food and money is what we need."

- Crystal Harmon is a staff writer for The Times. She may be reached at 894-9643

or by e-mail at charmon@bc-times.com.

Letters to the editor

To the editor:

Please accept this letter as my apology to the community of Mason for deceiving it regarding my situation.

I was homeless at the time and unable to find assistance, so I told a lie in order to receive funds and housing from the Mason community. For committing this offense and taking advantage of the community's kindness, I have spent the last nine months in the Ingham County Jail as part of my restitution for this act.

I would like to say that I now know the right way to go about getting and receiving assistance. I have learned about the resources that are available to me in the state of Michigan to help people such as myself when they are homeless and in need of assistance.

I would like to say that the people in the community of Mason should be commended on their response to the Hurricane Katrina victims. The genuine concern and care that was shown to me by the community of Mason went above and beyond. I also want to say that just because of the mistake I made I hope that it doesn't stop people in Mason from helping others when they are in need.

Please don't let my dishonesty discourage you or cause you to

mistrust others who are in need in the future.

*Thank you,
Kim Horn*

July 16, 2006

Ingham County Community News

DHS Budget Allows Gov's JET To Take Flight

MIRS, July 14, 2006

A Department of Human Services (DHS) spending plan for next year approved by a joint House-Senate conference committee late Thursday evening gives Gov. Jennifer **GRANHOLM** a ticket to fly her new welfare reform program known as JET (Jobs, Education Training).

The \$4.4 billion DHS budget for Fiscal Year (FY) 2007 that lawmakers signed off on mirrors the Governor's plan to meet a new federal standard that requires Michigan to have half of its roughly 50,000 able-bodied welfare recipients working by October.

While JET is still considered a pilot program, DHS officials are expanding the program to counties that will touch 49 percent of the welfare population, an expansion that is expected to wean the able-bodied off welfare and get them into the workforce. The program is designed to work more with recipients one-on-one by finding out why they're having problems finding jobs and preparing them for the workforce with individualized training plans based on their existing skills.

Once the recipient is employed, the goal is to continue monitoring so they don't end up falling back into welfare, which is a residual effect officials are starting to see with the Work First program.

"It's a very different approach from where we started," said Don **MUSSEN**, the acting director of DHS' Family Support Services. "The real difference is that we're starting by testing the labor market."

DHS officials don't realistically expect JET to get 25,000 people in the work force within in the next three months, but they believe that as long as they show continued progress, the federal government will hold off on sanctions.

The administration estimated that stepping up JET in FY 2007 would save the entire DHS budget \$15.4 million in General Fund money, even though 146 new employees are being brought in to run the expanded pilot.

Under the budget agreement, any eligible welfare recipient who doesn't comply with the JET program faces a 90-day sanction in the pilot sites.

Also, those who do find work would be allowed to collect a reduced welfare benefit to keep the person's household. The welfare payment would be based on 50 percent of the recipient's monthly salary minus the first \$200 made that month.

DHS is also eliminating the geographical standard it had used to base the amount of its welfare payments. This formalizes a change that was made in May.

Now welfare recipients will be paid under a two-tier system. Child-only cases and Social Security recipients are under one standard. Everyone else is under another standard.

After the welfare changes, lawmakers ended up with only a tiny fraction of the budget it had real discretion over. Sen. Bill **HARDIMAN** (R-Kentwood), the chair of the Senate DHS

Appropriations Subcommittee, was able to get the \$2.75 million in federal money for his marriage and fatherhood initiative.

The other big spending change is 51 new child protective service employees and more money for updated equipment. Of the \$4 million more being spent here, \$2.58 million is coming from the General Fund.

The budget also gave foster care programs a 5 percent increase, which came out to \$669,000 more in General Fund money (\$1.62 million overall). A homeless prevention and elderly food program is getting \$170,000 more from the General Fund.

Other spending increases included:

- \$126,500 for before-and after-school programs in Grand Rapids
- \$200,000 for a project run through the Michigan State University Kinship Care Resource Center
- \$100,000 for a 2-1-1 project designed to create a helpline for people having trouble navigating the government's social service Web site

Demand more from welfare

Friday, July 14, 2006
Editor, The Saginaw News

This is in regard to Maria Kulick's letter attacking recent House-passed welfare reform. ("Reforms hurt working poor feel," June 26) There is need for clarification.

Kulick misinterpreted Rep. Roger Kahn's remarks. The truth is, Gov. Jennifer M. Granholm vetoed legislation that would have joined Michigan with other states in the region and limited the time able-bodied residents could stay on welfare. Without reform, the state demands no accountability from recipients. Michigan residents could stay on welfare as long as they wanted, with no motivation for providing for themselves and their families.

Welfare is no way to live. The reforms provide greater assistance with job search and placement. Education programs were expanded to allow easier access to a high school diploma equivalent. Even the amount of money a welfare recipient can earn without losing unemployment benefits was increased.

Furthermore, Michigan still provides some of the most generous welfare benefits in the country. The idea fueling Rep. Kahn and his colleagues was to empower families and remove welfare recipients from a cycle of dependency -- and that is exactly what the welfare reforms did.

Now, as taxpayers, aren't you glad there is a little bit of accountability for welfare recipients?

Helene Wiltse
Freeland

No cuts to welfare

Editor, The Saginaw News:

In the June 26 News, Maria Kulick stated the truth about welfare. Her information discredits both Rep. Roger Kahn and the bashers who degrade welfare continually.

That welfare encourages its recipients to not work is a commonly promoted falsehood. One letter writer expressed his desire for the government to stop subsidizing "what they don't like," "they," meaning the uncompassionate non-poor who refuse to accept that the poor need help.

Ironically, those who criticize welfare probably lack financial worries as they live in fine residential areas and enjoy very comfortable lifestyles. These folks are unrealistic, obviously having no contact with persons having to use grocery money for gasoline or not paying the rent because of costly prescriptions for a sick child. While screaming for "prevention," they are pushing for welfare cuts, ignoring the fact that welfare provides funding for education, the needed component for prevention.

Kulick emphasized that Michigan truly has the toughest set of work requirements in the country. Michigan has been one of only eight states that require parents on welfare to spend 40 hours per week at work or in supervised job search activities and 90 percent of Michigan's parents on welfare who are required to work, are participating in assigned jobs or work activities. She also said, "Michigan must support working families and invest in adult education and job training. Education will

give parents access to better jobs with the steady hours and pay needed to keep families off assistance."

My husband and I are adjunct faculty in a local college and we have witnessed many accomplishments achieved by students whose career education was funded by public assistance. Kahn and the pessimistic letter writers need to learn more about the many welfare-related success stories. They need to know the facts.

Bonnie Johnson
Caro